

Appl. No. 10/724,225
Response to Office Action of April 22, 2005
Reply dated October 24, 2005

Amendments to the Drawings:

Replace Figure 3A and 3B with the attached replacement sheet showing Figures 3A and 3B.

Remarks

Applicants respectfully request reconsideration, entry of the amendments, and timely notice of allowance.

Applicants have amended the specification to include a specific reference to prior applications, to which applicants have properly claimed priority benefit. The letter to the Commissioner and the Application Data Sheet accompanying this divisional application refer to the same priority applications. No new matter enters by this amendment.

A Replacement Sheet with clean Figures 3a-3b has been submitted as required by the Examiner. The information in the sheet is the same and the legend to Figure 3b has been re-drawn in clean print. No new matter enters by this amendment.

Claims 1 and 6 have been amended. Both of the claims now recite the amino acids 1-134 of SEQ ID NO: 1 described in the specification, for example at page 5, lines 4-8. No new matter enters by these amendments.

Priority

The Office Action at page 2 referred to the conditions for receiving benefit of an earlier filing date. Applicants properly claimed priority to the prior U.S. case, the prior PCT case, and the prior French case in the Application Data Sheet and other papers submitted with this application. As noted above, applicants have amended the text of the specification to recite the prior cases.

Objections to the Drawings

The Office Action states that the drawings are objected to under 37 C.F.R. § 1.121(d), and that new Figure 3A is required. The statements in the Office Action refer

to the X-axis of Figure 3A, however it is Figure 3B that contains an X-axis. Applicants have submitted one (1) replacement sheet containing Figures 3A-3B that are clearly legible. Applicants' replacement sheet renders this objection moot.

Rejection under 35 U.S.C. § 112, Second Paragraph

The Office Action contains a rejection of claims 1-10 under 35 U.S.C. § 112, second paragraph, as the claims allegedly fail to particularly point out and distinctly claim the invention.

Applicants have amended claims 1 and 6.

Claim 1 now recites a method for determining the cell growth activity of a cell. The phrase indicated at page 3 of the Office Action has been deleted from claim 1. Furthermore, the amended claim 1 does not omit essential steps.

Claim 6 recites a method where proteins are introduced and expressed in a cell, where one of the proteins is an mdm2 protein of amino acids 1-134 of SEQ ID NO: 1. As explained in the specification at page 5, for example, the use of the mdm2 protein of amino acids 1-134 translates the oncogenic potential into the cell. Therefore, one of skill in the art would understand that these cells would have a "oncogenic character" to cell growth. One of skill in the art would also understand that introducing another protein into the cell may alter this "oncogenic character" and can thus determine an interaction with the known effects of the mdm2 protein of 1-134 amino acids of SEQ ID NO: 1. The amended claim 6 does not refer to "protein-protein" interaction.

Applicants request withdrawal of this rejection.

Claim Rejection under 35 U.S.C. § 103

The Office Action contains a rejection of claims 1-10 under 35 U.S.C. § 103, as the claims are allegedly obvious over Burrell (WO 93/20238).

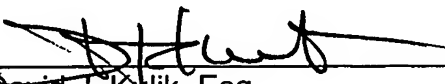
Applicants have amended claims 1 and 6 to recite the amino acids 1-134 of SEQ ID NO: 1. The Burrell document refers to regions of the mdm2 sequence at the C-term end (*see, for example*, page 14, bottom paragraph). Thus, the Burrell document does not teach or suggest applicants' claimed invention.

Applicants request withdrawal of the rejection.

If there are any fees due with the filing of this paper, applicants respectfully request that any and all fees be charged to Deposit Account No. 50-1129. If any extension of time request or any petition is required for the entry of this paper, applicants hereby request the extension necessary of making the appropriate petition. The undersigned authorizes the fee payment from Deposit Account No. 50-1129.

Dated: October 24, 2005

Respectfully submitted,
WILEY REIN & FIELDING LLP

By: 
David J. Kulik, Esq.
Reg. No. 36,576

WILEY REIN & FIELDING LLP
Attn: Patent Administration
1776 K Street, N.W.
Washington, D.C. 20006
Telephone: 202.719.7000
Facsimile: 202.719.7049